

BK1100658
KAB

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
AT CINCINNATI

IN RE:

Case No. 10-10633

Raymond Brummett
Nancy C. Brummett

Chapter 13

Judge Perlman

Debtors

**MOTION OF OHIO HOUSING
FINANCE AGENCY BY AND
THROUGH US BANK HOME
MORTGAGE ITS SERVICER FOR
RELIEF FROM STAY**

**(PROPERTY ADDRESS: 102 STAN
ROBERTS ROAD, WEST UNION,
OH 45693)**

Ohio Housing Finance Agency by and through US Bank Home Mortgage its servicer,
(the "Movant") moves this Court, under §§ 361, 362, 363 and other sections of the Bankruptcy
Reform Act of 1978, as amended (the "Bankruptcy Code") and under Rules 4001, 6007, and
other rules of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") for an Order
conditioning, modifying or dissolving the automatic stay imposed by § 362 of the Bankruptcy
Code. No Claim filed. In support of this Motion, the Movant states:

MEMORANDUM IN SUPPORT

1 The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. This is a
core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper
under 28 U.S.C. §§ 1408 and 1409.

2 A copy of the Deed to the subject property is attached hereto as Exhibit "A". On August
6, 2007, the debtors listed above (collectively, the "Debtors") obtained a loan from Ohio Housing
Finance Agency in the amount of \$3,900.00. Such loan was evidenced by a promissory note
dated August 6, 2007 (the "Note"), a copy of which is attached as Exhibit "B".

3 To secure payment of the Note and performance of the other terms contained in it, the
debtors executed a Mortgage dated August 6, 2007 (the "Security Agreement"). The Security
Agreement granted a lien on the real and/or personal property (the "Collateral") owned by the
debtors, located at 102 Stan Roberts Road, West Union, OH 45693, and more fully described in
the Security Agreement.

4 The lien created by the Security Agreement was duly perfected by the filing of the
Security Agreement in the office of the Adams County Recorder on August 13, 2007. A copy of
the Security Agreement is attached to this Motion as Exhibit "C". The lien is the Second lien on
the collateral.

5 The Note and Security Agreement were transferred as follows: N/A

6 The value of the Collateral is \$95,000.00. This valuation is based on Debtors' Schedules.

7 As of the date of this Motion, there is currently due and owing on the Note the
outstanding balance of \$4,566.48, plus interest accruing thereon at the rate of 8.25% per annum
(\$0.86 per day) from April 5, 2011.

8 Other parties who may have an interest in the Collateral are:

CitFinanical by virtue of a certified judgment lien upon which the amount due is approximately \$5,000.00.

US Bank by virtue of a first mortgage upon which the amount due is approximately \$99,300.19.

- 9 Movant is entitled to relief from the automatic stay under §§ 362(d)(1) and/or 362(d)(2)

for these reason(s):

Debtors have no equity in the Collateral and the Collateral is not needed by the debtors for their reorganization. Movant believes that the collateral has a value of \$95,000.00. Including the Movant's lien, there are liens in an aggregate amount of \$108,866.67 on the Collateral.

Debtors have failed to provide adequate protection for the lien held by the Movant for the reason set forth below.

Debtors have failed to make periodic payments to Movant since the commencement of this bankruptcy case, which unpaid payments are in the aggregate amount of \$232.61, consisting of the following:

Post-Petition Payments

Amount	Date Due
33.23	October 1, 2010
33.23	November 1, 2010
33.23	December 1, 2010
33.23	January 1, 2011
33.23	February 1, 2011
33.23	March 1, 2011
33.23	April 1, 2011

less debtor's suspense balance of \$0.00, as of April 5, 2011.

10 Pursuant to LBR 4001-1(a) Movant has completed the Exhibit and Worksheet attached as Exhibit "D".

WHEREFORE, Movant prays for an Order from the Court granting Movant relief from the automatic stay of §362 of the Bankruptcy Code to permit Movant to proceed under law and for such other and further relief to which the Movant may be entitled.

/s/ Erin A Jochim
Erin A Jochim, Case Attorney
LERNER, SAMPSON & ROTHFUSS
Bar Registration No. 0077062
Attorneys for Movant
PO Box 5480
Cincinnati, OH 45201-5480
(513) 241-3100 ext. 3920
(513) 354-6464 fax
sohbk@lsrlaw.com

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Motion for Relief from Stay of the secured creditor, Ohio Housing Finance Agency by and through US Bank Home Mortgage its servicer, was electronically transmitted on April 04, 2011 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list.

David J Hoff, Esq.
800 Gallia Street, Suite 28
Portsmouth, OH 45662
dhoff.dkandco@fuse.net

Margaret A. Burks
600 Vine Street
Suite 2200
Cincinnati, OH 45202
Cincinnati@cinn13.org

Office of the U.S. Trustee
36 East Seventh Street, Ste. 2050
Cincinnati, OH 45202
Ustpreion09.ci.ecf@usdoj.gov

The undersigned certifies that a copy of the foregoing Motion for Relief from Stay of the secured creditor, Ohio Housing Finance Agency by and through US Bank Home Mortgage its servicer, was transmitted on April 04, 2011 via regular U.S. mail, postage pre-paid:

Raymond Brummett
102 Stan Roberts Rd
West Union, OH 45693

Nancy C. Brummett
102 Stan Roberts Rd
West Union, OH 45693

CitFinanical
P.O. Box 6931
The Lakes, NV 88901

US Bank
c/o US Bank Home Mortgage
ISAOA/ATIMA PO Box 7298
Springfield, OH 45501

/s/ Erin A Jochim
Erin A Jochim, Case Attorney
LERNER, SAMPSON & ROTHFUSS
Bar Registration No. 0077062
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Judge Perlman

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**NOTICE OF FILING OF MOTION
OF OHIO HOUSING FINANCE
AGENCY BY AND THROUGH US
BANK HOME MORTGAGE ITS
SERVICER FOR RELIEF FROM
STAY AND NOTICE OF HEARING**

**(PROPERTY ADDRESS: 102 STAN
ROBERTS ROAD, WEST UNION,
OH 45693)**

OFFICIAL FORM 20A

Ohio Housing Finance Agency by and through US Bank Home Mortgage its servicer has filed papers with the Court to obtain relief from the automatic stay.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then within 21 days from the date of this notice, you or your attorney must:

* File with the Court a written request for a hearing, or if the court requires a written response, an answer, explaining your position at:

Clerk, US Bankruptcy Court
221 East Fourth Street

Atrium Two, Suite 800
Cincinnati, OH 45202

If you mail your request or response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

Nancy C. Brummett - Debtor
102 Stan Roberts Rd
West Union, OH 45693

Raymond Brummett - Debtor
102 Stan Roberts Rd
West Union, OH 45693

Margaret A. Burks - Trustee
600 Vine Street
Suite 2200
Cincinnati, OH 45202

CitFinanical - Creditor
P.O. Box 6931
The Lakes, NV 88901

David J Hoff, Esq. - Attorney for Debtors
800 Gallia Street, Suite 28
Portsmouth, OH 45662

Erin A Jochim, Esq. - Attorney for Movant
PO Box 5480
Cincinnati, OH 45201-5480

Office of the U.S. Trustee
36 East Seventh Street, Ste. 2050
Cincinnati, OH 45202

US Bank - Creditor
c/o US Bank Home Mortgage
ISAOA/ATIMA PO Box 7298
Springfield, OH 45501

at the addresses listed thereon.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

DATED: April 04, 2011

/s/ Erin A Jochim
Erin A Jochim, Case Attorney
LERNER, SAMPSON & ROTHFUSS
Bar Registration No. 0077062
Attorneys for Movant
PO Box 5480
Cincinnati, OH 45201-5480
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Notice of Filing Motion for Relief from Stay of the secured creditor, Ohio Housing Finance Agency by and through US Bank Home Mortgage its servicer, was electronically transmitted on April 04, 2011 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice list:

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